

## REMARKS

***REJECTION OF CLAIMS UNDER 35 U.S.C. 112 SECOND PARAGRAPH***

The Examiner has rejected Claims 1-11 under 35 U.S.C. as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the recitation of "and pharmaceutically acceptable salts thereof" in the last line of claims 1-3 renders these claims indefinite as it is not clear whether the claim is a compound claim or a composition of compound with salts. The Examiner notes that Markush choices should be in alternate form and singular. Applicant has canceled all compound claims rendering this particular rejection moot. However, Applicant has presented new method of treating claims which incorporate the recitation of a compound "or a pharmaceutically acceptable salt thereof" to address the Examiner's request that Markush choices should be in alternate form and singular.

***REJECTION OF CLAIMS UNDER 35 U.S.C. 112 FIRST PARAGRAPH***

The Examiner has also rejected Claims 9 and 6 under 35 U.S.C. 112, first paragraph, because Examiner alleges that the specification is not enabled for treating any or all disturbance of lipid and carbohydrate metabolism. Applicant has canceled the claims specifically reciting use of the compounds to treat any or all such disturbances. Applicant appreciates Examiner's statement that the specification is enabled for treating type 2 diabetes, lowering blood sugar, treating arteriosclerotic symptoms or insulin resistance is appreciated. Applicant has added new claims directed to use of compounds of formula I for the treatment of type 2 diabetes and insulin resistance.

***Rejection of Claims 1, 2, and 4-7 under 35 USC 102(b)***

The Examiner has rejected Claims 1-2 and 4-5 as being anticipated by Vsesojuzny et al, Temple et al, and Brown et al. Furthermore, Claims 1-5 were rejected as being anticipated by Yoneda et al. Applicant has canceled the compound and composition claims therefore this rejection is moot. Applicant has added method of treatment claims which recite the use of the compounds and compositions to treat type 2 diabetes and insulin resistance. Applicant asserts that use of the compounds to treat these indications is novel and nonobvious.

**Conclusion**

In view of the amendment and remarks contained herein, Applicants submit the application is in condition for allowance.

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The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,



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